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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,938	04/28/2006	Christian Pio Pedulla	2512-1168	9449

466 7590 04/18/2007
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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.		Applicant(s)	
	10/559,938		PEDULLA ET AL.	
	Examiner		Art Unit	
	Tri M. Mai		3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/08/05</u> . | 6) <input type="checkbox"/> Other: ____ |

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the specificities of all the claimed annular sections in claim 22, semi-spherical micro incisions in claims 24-26 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 14-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, "of the type" renders the claim indefinite. "the lateral surfaces" has no antecedent basis.

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In claim 21, "in correspondence of their bottom" is confusing. Is it the bottom of the folds or the bottom of the container. "their bottom" has no antecedent basis. Furthermore, it is unclear what comprises shell-shaped profile.

Regarding claim 22, it is unclear what comprises "sub-vertical", the sub-horizontal" walls. The "connected to the surfaces of the adjacent folds" is confusing.

Regarding claim 24, it is unclear what comprises the micro incisions. It seems the incisions would render the container unable to fill liquid. Clarification is required. Note the drawing objection above.

3. Claims 14-19, and 21-23 and 26 are rejected under 35 U.S.C. 102 (b) as being anticipated by Nagata et al. (5573129). Nagata teaches a collapsible disposable container having a bellows structure comprising a plurality of adjacent folds formed by two opposite surfaces of different width (note the different width in the two upper defined by numeral 22 and lower portion (the curved portion below the protrusion point)).

Regarding claim 2, with respect to the stiffness, the arcuate surface inherently is less stiff than the upper surface since it collapsed into the upper surface.

Regarding claim 3, note the stiffening rib (the vertex portion).

Regarding claim 4, the stiffening rib has a rounded edge step as claimed.

Regarding claim 22, note the connecting walls 26 and the two distal flanges connecting the two upper and lower walls 18 and 20A in Fig. 1.

Regarding claim 23, the connection point in Nagata would inherently has the structure as set forth in claim 23.

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4. Claims 14, and 20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Pedulla et al. (6598755). Pedulla teaches a collapsible disposable container having a bellows structure comprising a plurality of adjacent folds formed by two opposite surfaces of different width as claimed.

5. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pedulla in view of Touzani (5002193) or Lejeune et al. (EP 0801002). Touzani teaches that it is known in the art to provide a connection at 19 in Fig. 1. Lejeune also teaches a connection wall at g in Fig. 2A. It would have been obvious to one of ordinary skill in the art to provide a connection wall as taught by Touzani or Lejeune to enable one to provide an alternative connection for the bellow structure.

6. Claims 14-17, and 24-26 are rejected under 35 U.S.C. 102 (b) as being anticipated by Santelli (3301293). Santelli teaches a container with two opposed surfaces with the upper one being wider than the lower (note the emb. in Fig. 7 with the fold line at 42 forming the two surface with the upper surface being wider due to the location of the fold line).

Regarding claim 24-25, note the micro incisions at 42.

7. Claims 14-18, 21, and 26 are rejected under 35 U.S.C. 102 (b) as being anticipated by JP 853115. JP'115 teaches a container with upper surface provided with step round rib at 21, Regarding claim 21, note the arching in the collapsed position in Fig. 3.

8. Claim 19 is rejected under 35 U.S.C. 103 (a) as being unpatentable over JP 853115. It would have been obvious for one of ordinary skill in the art to provide the claimed dimension of the step rib to provide the desired size of the container and/or to provide the desired stiffness

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9. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '115 in view of Touzani or Lejeune et al. Touzani teaches that it is known in the art to provide a connection at 19" in Fig. 1. Lejeune also teaches a connection wall at g in Fig. 2A. It would have been obvious to one of ordinary skill in the art to provide a connection wall as taught by Touzani or Lejeune to enable one to provide an alternative connection for the bellow structure.

10. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over anyone of Nagata, Pedulla, and JP '115 in view of DeGain (3578777). DeGain teaches that it is known in the art to provide semi spherical micro depressions as shown in Fig. 6. It would have been obvious to one of ordinary skill in the art to provide semi spherical micro depressions as taught by DeGain to enable to control the collapsing of the container easily.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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